

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. \_\_\_\_\_

v.

**COMPLAINT**

ESTATE OF CHIA VANG LEE  
c/o Michael T. Schoendorf, Special Administrator  
707 West Moreland Blvd., STE 9  
Waukesha, WI 5318,

PESHTIGO NATIONAL BANK  
250 French Street  
Peshtigo, WI 54157,

Defendants.

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Comes now the plaintiff, the United States of America, by Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Carter B. Stewart, Assistant United States Attorney for said District, and for its cause of action alleges that:

1. This is a civil action brought by the United States of America under the provisions of 28 U.S.C. §1345 to foreclose upon real estate held by Defendant Estate of Chia Vang Lee.
2. Chia Vang Lee executed promissory notes, secured by a mortgage upon real estate within the jurisdiction of this court.
3. Defendant Chia Vang Lee executed and delivered to plaintiff, acting through the Farm Service Agency, United States Department of Agriculture, the following promissory notes:

<u>Date</u>	<u>Amount</u>	<u>Exhibit (hereto annexed)</u>
June 30, 2014	\$160,089.23	A
June 22, 2006	\$200,000.00	B

4. To secure said notes, the Chia Vang Lee executed and delivered to plaintiff the following duly recorded mortgage upon certain real estate within the jurisdiction of this Court:

**Date**

**Exhibit (hereto annexed)**

June 22, 2006

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5. Chia Vang Lee passed away on June 10, 2018; a copy of the death certificate is hereto annexed as Exhibit D.

6. No action has been filed to probate the Estate of Chia Vang Lee.

7. The Estate of Chia Vang Lee has failed to make the required payments towards the above debts and, therefore, has defaulted under the terms of the applicable loan instruments.

8. The Estate of Chia Vang Lee being in default, plaintiff served upon it a Notice of Acceleration of Indebtedness and Demand for Payment, a copy of which is hereto annexed as Exhibit E.

9. The Estate of Chia Vang Lee owes plaintiff under the provisions of the notes and mortgage a balance of \$163,137.28 as of November 19, 2019 with interest accruing thereafter at the daily rate of \$15.3976. This amount is computed as follows: principal of \$155,038.13, and interest of \$8,099.15. A Statement of Account is attached hereto as Exhibit F.

10. Peshtigo National Bank purports to have a prior interest in the real property by virtue of a mortgage recorded in the office of the Register of Deeds for Oconto County on June 23, 2006 in volume 1212 of Deeds, page 264, document number 590551, in the original amount of \$23,000.00. This mortgage is superior to the Farm Service Mortgage recorded also on June 23, 2006.

11. The other defendants purport to have interest in the mortgaged premises but any such interests are junior and subordinate to the interest of the plaintiff.

WHEREFORE, plaintiff prays that an accounting be taken under the direction of this Court of what is due for principal and interest on the notes and mortgage, and that a decree be entered as follows:

(a) That the Estate of Chia Vang Lee pay to plaintiff the total of \$163,137.28 together with interest from November 19, 2019 at the rate of \$15.3976 per day computed as provided in the notes and mortgage up to the date on which the decree is entered, plus interest thereafter according to law, costs, disbursements, and expenses;

(b) Or in default of such payment, that all legal right, title, and interest that defendants have in the property described in said mortgage be sold at public sale in accordance with 28 U.S.C. §§2001-2003, inclusive, and that the amounts due to plaintiff and Peshtigo National Bank be paid out of the proceeds of the sale pursuant to the lien priority of each mortgage;

(c) That the defendants and all persons claiming or who may claim by, from, or under them be absolutely barred and foreclosed from all rights and equity of redemption in the property,

(d) That if the proceeds of the sale exceed the sum of money to be paid to plaintiff, any such excess be deposited with the Clerk of this Court subject to further orders of the Court;

(f) For such other and further relief as is just.

Dated at Milwaukee, Wisconsin this 12<sup>th</sup> day of February, 2020.

MATTHEW D. KRUEGER  
United States Attorney

By *s/Carter B. Stewart*

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